IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4075 of 2005

Between:

R.Sudhakar Reddy, s/o Narsi Reddy, Secretary (u/s)
Primary Agricultural Co.op.Society, Mamidipally, Saroornagar Mandal, R.R.District, r/o H.No.17-1-473/28/B, Krishnanagar, Saidabad Colony,Hyderabad-500 029.

..... PETITIONER

AND

1 The Divisional Cooperative Officer, Hyderabad East, R.R.District.
2 The Manager-cum-Person-in-Charge, Primary Agrl. Cooperative Society, Mamidipally, Saroornagar Mandal, R.R.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned proceedings dt.2-2-2005 of the 2nd respondent placing the petitioner under suspension, as illegal, arbitrary, without jurisdiction and consequently set aside the same, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.LINGESWARA RAO PANDRANKI

Counsel for the Respondents: GP FOR COOPERATION

The Court, at the stage of admission, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in placing the petitioner under suspension vide Proceedings, dated 2.2.2005 as illegal and arbitrary.

By virtue of the proceedings, the petitioner was placed under suspension with immediate effect pending disciplinary action against him. There was a difference of Rs.1.58 lakhs approximately between recoveries made from the members of the Society and the remittance made to the H.D.C.C. Bank, Hayathnagar Branch. Challenging the same, this writ petition has been filed.

The learned counsel for the petitioner has contended that the petitioner has not been paid the subsistence allowance but the difference amount has been paid. Therefore, suspension has to be revoked.

I have perused the suspension order. The authority who passed this order is not under challenge. The authority, on coming to know that there was a difference of amount of Rs.1.58 lakhs between the recoveries made from the members of the Society and the remittance made to the bank, the petitioner was placed under suspension. The subsequent payment of amount does not relieve the petitioner of the disciplinary action that may be taken against him. It is a suspension pending enquiry. Therefore, there are no grounds to interfere with the suspension order.

The writ petition is disposed of directing the respondents to pay the subsistence allowance as per the byelaws, rules and regulations of the Society. In the circumstances of the case, there shall be no order

as to costs.

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(K.C. BHANU, J)

3rd March, 2005

bcj

To

1 The Divisional Co.operative Officer, Hyderabad East, R.R.District.
2 The Manager-cum-Person-in-Charge, Primary Agrl.Co.op.Society, Mamidipally, Saroornagar Mandal, R.R.District.

3. Two C.D. copies.